

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference TEX 6246PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/013577	International filing date (<i>day/month/year</i>) 30.11.2004	Priority date (<i>day/month/year</i>) 06.12.2003
International Patent Classification (IPC) or national classification and IPC A41B11/00, A62D5/00, A62B17/00		
Applicant TEXPLORER GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>7</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-9 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-35 _____ received by this Authority on 30.07.2005 with letter of 29.07.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-35	YES
	Claims		NO
Inventive step (IS)	Claims	1-35	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-35	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Reference is made to the following documents:			
D1: US 2003/177566			
D2: US 4 809 447.			
Document D1 is considered the prior art closest to the subject matter of claim 1. It discloses (the references between parentheses relate to D1):			
a garment for the lower leg, in particular socks for protection against chemical and/or biological toxins, consisting of several layers and comprising an outer leg part (22) and a laminate (12, 23, 20) arranged inside the outer leg part (22), which has a flexible, windproof and water-repellent membrane (12) that forms the outer side of the laminate (12, 23, 20) and constitutes at least a barrier against biological toxins, a carbon layer (23), in which carbon in fibre or particle form is present and which is disposed underneath the membrane (12), and an inner textile fabric layer (20).			
The subject matter of claim 1 therefore differs from that disclosed in document D1 in that the outer leg part (1)			

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

is made of several cut sections, wherein the seams between the cut sections (4, 5, 6) are sealed by a water-tight material.

Consequently, the subject matter of claim 1 is novel (PCT Article 33(2)).

The problem to be solved by the present application is therefore understood to be that of creating a lower-leg protective garment, in particular a protective sock, which is comfortable and can be worn like a conventional sock or knee sock.

The solution to this problem, as suggested in claim 1 of the present application, involves an inventive step (PCT Article 33(3)), for the following reasons:

Document D2 discloses a protective sock made of a plurality of sections. A person skilled in the art proceeding from document D2 would in particular not arrive at a sock for protection against chemical and/or biological toxins according to the characterizing part of claim 1. Consequently, claim 1 meets the requirements of PCT Article 33(3).

Claims 2-35 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.